

REMARKS

Claims 1-9, 11, 13-20, 23 and 25 are currently pending in this application. Claims 10, 12, 21, 22 and 24 have been canceled. Applicant has carefully reviewed the final Office Action and respectfully requests reconsideration of the claims in view of the remarks presented below.

Double Patenting

Claims 1-9, 11, 13-20 and 23-25 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 and 22-25 of copending application serial no. 10/782,123. Applicant prefers to hold this matter in abeyance pending notification of allowable subject matter in the present application.

Claim Rejections Under 35 U.S.C. §112

Claims 1-9, 11, 13-20, 23 and 25 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement because they contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner contends that Applicant's disclosure makes not mention of an implantable long-term memory or implantable temporary memory.

Applicant directs the Examiner's attention to paragraph [0046] and [0047] of the specification, wherein a "temporary 'pretrigger' diagnostic data memory 210 (a component of memory 94 of FIG. 2)", and a "long-term diagnostic data memory 216 (also a component of memory 94)" are described. (Emphasis added.) With reference to figure 2, the memory 94 is shown as being part of an "implantable stimulation device 10" (see paragraph [0028]) and within "the housing 40 for the stimulation device 10" (see paragraph [0029]). (Emphasis added.) Because the temporary memory and the long term memory are within the housing 40 of the implantable stimulation device 10, they too are implantable.

PATENT

In view of the foregoing, Applicant submits that the disclosure does describe an implantable long-term and an implantable temporary memory and therefore requests withdrawal of the rejections of claims 1-9, 11, 13-20, 23 and 25 under 35 U.S.C. §112, first paragraph.

CONCLUSION

Applicant has made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, allowance of Applicant's claims 1-9, 11, 13-20, 23 and 25 is believed to be in order.

Respectfully submitted,

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Date

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